

APPENDIX H

Groundwater Legislation

Long-term effective groundwater management throughout California will be essential to the success of a number of CALFED programs, including groundwater banking, conjunctive use and water transfers. At this time, however, California does not have an effective, comprehensive program to manage its groundwater resources. Instead, groundwater is managed at the local level by various water districts and agencies, entities whose boundaries were set without regard to groundwater resources. CALFED believes that groundwater would be better managed at the basin level. Such a management system would avoid multiple, potentially conflicting sub-basin groundwater management plans.

CALFED will work with the Legislature to help move California toward basin-wide groundwater management. New legislation should call for management plans that promote the objective of increasing overall water supply reliability while protecting against localized loss of access to water supply, degradation of water quality, and subsidence. This legislation should address the following issues:

- 1) **AB 3030**
AB 3030 allows local agencies to develop and implement local groundwater management plans. AB 3030 should be strengthened to ensure specific groundwater management plans are completed. Additionally, agencies and districts sharing the same basin should develop basin-wide management plans that address both groundwater and surface water. A realistic time frame for agencies to complete groundwater management plans would be two to three years from the date legislation is passed. The legislation should provide that agencies without timely plans would lose their access to state water program funding.
- 2) **California Water Code**
Many sections of the Water Code contain language that is either ambiguous or restrictive with regard to facilitating conjunctive use, groundwater banking and groundwater transfers. For example, Water Code Section 1220 precludes the pumping of groundwater for export from the Delta-Sierra Basin, as defined in DWR's Bulletin 160-74, unless the pumping is in compliance with certain conditions. Currently, there are differences in opinion as to what these conditions mean and how they are applied. The new legislation should provide remedy for these uncertainties.
- 3) **County Ordinances**
The Water Code should be amended to require that county groundwater management ordinances must be consistent with groundwater management plans adopted by water agencies under AB 3030 or other statutory authority. The combination of local government ordinance and local agency management plan should complement each other in establishing basin management objectives to increase water supply reliability.

4) **State-level Oversight**

CALFED, The Resources Agency, or the Department of Water Resources should provide guidance for basin-wide management of surface water and groundwater resources. Annual reports that discuss basin water quality, a water budget and coordination activities among agencies and local government would be appropriate. The legislation should contain provisions to clarify the scope of local agencies' authority to manage groundwater, and should provide default rules and definitions to resolve conflicts and ambiguities in local groundwater management schemes.

5) **Development of Management Plans**

Development of effective groundwater management plans will require improvement in our current scientific understanding of groundwater resources. Few regions have good data on how groundwater moves underground, how fast it recharges, how much can be withdrawn before subsidence occurs, or vegetation is adversely affected. The Department of Water Resources is currently updating DWR Bulletin 118 by collating existing data to establish a water budget for each groundwater basin. At present, this effort is funded for a period of 3 years. This program should be funded as a continuous program to collect information on groundwater conditions in each basin to better understand how to manage the resource effectively.

AB 303, introduced in 1999, would continue the work undertaken during the current Bulletin 118 update but would provide for collection of additional data. AB 303 would establish a grant program to be administered by the Department to assist local public agencies with groundwater monitoring and management activities; provide funding for the Department to update, digitize, evaluate and expand groundwater databases and to update DWR Bulletin 118; and would require that all data generated by such funding would be available to the public. CALFED believes that the provisions of AB 303 should be supported.